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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,882	01/30/2004	Sandro Grech	059643.00316	4108
32294 7590 04/30/2009 SQUIRE, SANDERS & DEMPSEY L.L.P. 8000 TOWERS CRESCENT DRIVE 14TH FLOOR VIENNA, VA 22182-6212				
EXAMINER				
SHEDRICK, CHARLES TERRELL				
ART UNIT		PAPER NUMBER		
2617				
MAIL DATE		DELIVERY MODE		
04/30/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/766,882

**Applicant(s)**

GRECH ET AL.

**Examiner**

CHARLES SHEDRICK

**Art Unit**

2617

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9, 11-16, 21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-13 is/are allowed.
- 6) ☒ Claim(s) 1-7, 14-16 and 21-22 is/are rejected.
- 7) ☒ Claim(s) 8 and 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(e) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-7, 14-16 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jawanada US Patent No.: 6,243,581 B1 in view of Shoaib et al. US Patent Pub. No.: 2003/0193910.

Consider **claims 1, 14-16 and 21**, Jawanada teaches a corresponding system, means, apparatus and method, comprising: simultaneously performing a packet data protocol session establishment procedure with the second communication network while the user equipment still connected to the first communication network (e.g., **a WWAN and WLAN connection as noted in at least figure 4 and col. 4 line 20 -col. 6 line 10**).

However, Jawanada does not specifically teach ensuring continuity of a communication session when a user equipment hands over from a first communication network to a second communication network; performing an authentication procedure for a packet data session with the second communication network while the user equipment is still connected to the first communication network

In analogous art, Shoaib teaches ensuring continuity of a communication session when a user equipment hands over from a first communication network to a second communication network(e.g., **consistent with Mobile IP as noted in at least the abstract and paragraph 0011**); performing an authentication procedure for a packet data session with the second communication network while the user equipment is still connected to the first communication network (e.g., **as noted in at least paragraphs 0018-0019, 0022, 0035, 0090 and 0114-0115**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Jawanada to include ensuring continuity of a communication session when a user equipment hands over from a first communication network to a second

communication network; performing an authentication procedure for a packet data session with the second communication network while the user equipment is still connected to the first communication network for the purpose of improving the seamless handover as taught by Shoaib in at least paragraph 0013.

Consider **claims 2 and 22 and as applied to claims 1 and 21**, Jawanada teaches the claimed invention except wherein the performing of the authentication procedure comprises authenticating the second communication network by the user equipment.

In analogous art, Shoaib teaches wherein the performing of the authentication procedure comprises authenticating the second communication network by the user equipment (i.e., equipment authentication) (e.g., as noted in at least paragraphs 0018-0019, 0022, 0035, 0090 and 0114-0115).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Jawanada to include wherein the performing of the authentication procedure comprises authenticating the second communication network by the user equipment for the purpose of improving the seamless handover as taught by Shoaib in at least paragraph 0013.

Consider **claims 3 and as applied to claim 2**, Jawanada teaches the claimed invention except wherein the performing of the authentication procedure comprises authenticating the user equipment by the second communication network.

In analogous art, Shoaib teaches wherein the performing of the authentication procedure comprises authenticating the user equipment by the second communication network.

(i.e., network authentication) (e.g., as noted in at least paragraphs 0018-0019, 0022, 0035, 0090 and 0114-0115).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Jawanada to include wherein the performing of the authentication procedure comprises authenticating the user equipment by the second communication network for the purpose of improving the seamless handover as taught by Shoaib in at least paragraph 0013.

Consider **claim 4 as applied to claim 1**, Jawanada as modified by Shoaib teaches the claimed invention further comprising: providing the first communication network comprising a wireless local area network and the second communication network comprising a cellular network (e.g., see at least figure 1, col. 2 lines 48 and col. 1 lines 25-37 ).

Consider **claims 5 and as applied to claim 1**, Jawanada teaches the claimed invention except wherein the performing of the authentication procedure comprises sending information by a user equipment for authentication and packet data session establishment, wherein the information travels either as a separate internet protocol package or is piggybacked with existing signaling

In analogous art, Shoaib teaches wherein the performing of the authentication procedure comprises sending information by a user equipment for authentication and packet data session establishment, wherein the information travels either as a separate internet protocol package or is piggybacked with existing signaling (e.g., as noted in at least paragraphs 0018-0019, 0022, 0035, 0090 and 0114-0115).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Jawanada to include wherein the performing of the authentication procedure comprises sending information by a user equipment for authentication and packet data session establishment, wherein the information travels either as a separate internet protocol package or is piggybacked with existing signaling for the purpose of improving the seamless handover as taught by Shoaib in at least paragraph 0013.

Consider **claim 6 as applied to claim 1**, Jawanada as modified by Shoaib teaches comprising: configuring a gateway node between the first communication network and the second communication network to act as an access router for the first communication network and to host the packet data session in the second communication network(c.g., **see at least WNG and WLAN-G in figure 1**).

Consider **claim 7 as applied to claim 1**, Jawanada as modified by Shoaib teaches, further comprising: releasing a packet data session when a user equipment does not handover to the second communication network within a predetermined time, thus requiring the user equipment to repeat the authentication procedure when the user equipment is moving towards the second communication network for a specified time (**i.e., the session disconnection due to no coverage. Furthermore remaining attached is optional as noted in block 122 of figure 4**).

*Allowable Subject Matter*

5. Claims 8-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. Claims 11-13 are allowed.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLES SHEDRICK whose telephone number is (571)272-8621. The examiner can normally be reached on Monday thru Friday 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571)-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Charles Shedrick/  
Examiner, Art Unit 2617

/Lester Kincaid/

Supervisory Patent Examiner, Art Unit 2617